PDF PAGE 1, COLUMN 4

FRANK’S WIFE PLEADS

CAUSE BEFORE PUBLIC

PDF PAGE 1, COLUMN 7

CONSPIRACY

OF VILEST SORT, IS CHARGE

Woman Asserts Husband Was

Convicted on “Deep-Seated,

Insistent Demand That Vic-

Tim Be Offered” for Murder

of Mary Phagan – Solicitor

Dorsey Charged With Sup-

Pressing Evidence That

Would Have Caused Doubt

Of Frank’s Guilt

Quoting the case of Becker, the New York police lieutenant, who has just been granted a new trial, Mrs. Leo M. Frank, wife of the man condemned to die for the murder of Mary Phagan, issued a signed statement to the public Friday asking:

“Shall it be said that the people of Georgia are less willing to accord fair play than are the people of New York? Or is it unfair to say that the people of Russia, in the trial of Beilis, are more disposed toward principles of fair dealing? Or shall the people of this state content themselves to be a parity with the methods of the Mexican, Villa?”

Mrs. Frank refers to “the deep seated, all pervading, insisted demand that a victim be offered.” “I feel compelled to call attention to the animosity displayed by the prosecuting officer,” says she, declaring that his solicitude about the negro Conley at Conley’s trial was “touching.” She charges the solicitor wanted Conley to go free in order to put all the opprobrium on Frank. She intimates Conley was not allowed to go on the stand because he might have forgotten parts of his story. She says despite Dr. Harris’ belief that the hair found on the lathe was not Mary Phagan’s, the solicitor contended it was.

“Was this fair?” asks Mrs. Frank. “Does this conduct appeal to the public as one that should merit approbation?” She intimates that Gheesling was called to the stand in Conley’s trial, not to throw light on the Conley case but because the solicitor needed “a message to the public.”

“I am sure time will clearly show be truth,” says Mrs. Frank, “and that his horrible nightmare will pass away, and that a vile conspiracy will ultimately lay itself bare to condemn and destroy those responsible.”

MRS. FRANK’S STATEMENT.

Here is her statement:

To the Public: The editorial in yesterday's Constitution referring to the trial of Becker, of necessity compels a parallel between this case and that of my husband. In that of Becker the atmosphere surrounding the trial, which was denounced by the court of appeals of New York as fully set forth in the New York Times of February 25, was occasioned by the conduct of the court, less potent, by far, than the overwhelming influence of the clamoring mob that surrounded the jury during the trial of my husband, or the hourly extras scattered through the court room, proclaim, as truth, in flaming red head line, every false rumor concerning my hus-

(Continued on Page Two, Col. One.)

PDF PAGE 2, COLUMN 1

MRS. FRANK MAKES PLEA

WIFE OF PRISONER ISSUES STATEMENT

Says Husband Was Convicted by Insistent Demand That Victim Be Offered

(Continued from Page One.)

band, or the frequent outbursts of the crowd during the course of the trial—all clearly indicating to the jury the temper of the crowd.

In the case of Becker, the court of appeals of New York declined to sustained the conviction on the testimony of criminals, while in the case of my husband the only testimony connecting him with the crime was that of the negro Conley, a many-times convicted criminal and a more often self-confessed liar, whose testimony as finally produced in the court house was testified by those responsible for it, to be “a tale made to fit the case.” Shall it be said that the people of Georgia are less willing to accord fair play than are the people of New York, as indicated by the decisions of its courts? Or is it unfair to say that the people of Russia, in the trial of Beilis, are more disposed toward principles of fair dealing? Or shall the people of this state content themselves to be on a parity with the methods of the Mexican, Villa, and receive the just condemnation of all civilized states?

DECISION MISUNDERSTOOD.

I fear there is more misapprehension created by the divided opinion of the supreme court. I understand that some misguided people believe and feel that by reason of this decision the supreme court of this state has set its approval on the findings of the jury, but I am advised this is not the fact. That the supreme court has merely passed on the questions of law involved, as to whether errors were committed in the introduction of testimony or the rulings of the trial court. The decision of the trial court. The decision of the trial court. The decision of the trial court in refusing to grant a new trial based upon whether a fair trial had been granted, and as to whether or not the jurors were impartial were matters with which the supreme court would not interfere. That the trial judge, notwithstanding his refusal to grant a new trial, believed that my husband did not have a fair trial, no man can doubt. To what potent influence shall then be ascribed such refusal? Can it be anything but the deep-seated, all pervading, insistent demand that a victim be offered? And was not this demand created and nurtured by the false statements fed to the public immediately following the murder by interested detectives and seekers after reward?

The prominence given to the story of the Formby woman caused many good people to be satisfied of my husband’s guilt. The detectives pointed to it as absolute proof. The influence of this story upon the public, and its aid in creating the unfavorable atmosphere, can not be conceived: the unlawful arrest of my cook, Minola McKnight, and the affidavit which she was forced to give under such trying circumstances, and which, as soon as she was released from imprisonment, she promptly repudiated, was another morsel offered to the public to fortify and strengthen the charge against my husband, and afterwards used on the trial of the case to influence the jury by making me, his wife, testify against him by means of this affidavit, although by reason of the law I was compelled to remain silent and refused an opportunity of denying this miserable concoction. Notwithstanding Minola McKnight had given this repudiated affidavit it was necessary to place her on the stand on account of the testimony of her

husband, and it has been shown how much the testimony of Albert McKnight was worth, and yet it served its horrible purpose.

“PROSECUTOR’S ANIMOSITY.”

I feel compelled to call attention to the animosity displayed by the prosecuting officer, although at the end of the trial there was some show of tears, caused, it was said, by some sympathy for the family of the defendant—who will say now that these tears had any such significance? Any one reading the trial of Conley just had, can have no misgivings on this subject. The solicitor’s solicitude about Conley, was touching. Only “stern duty” impelled him to ask for conviction. Personally, he desired him to go free, in order that all the opprobrium might be placed on my husband, and so far, as he was able by his speech in this case, he endeavored to create this situation. All the testimony in connection with Conley’s case, except Gheesling’s, was placed before the jury by agreement, selected extracts from the trial of my husband.

The statement of Conley was read by agreement, an unprecedented thing, I am told, in procedure under the law of Georgia, if not that of every other civilized state. And why was this? Conley had had heretofore sworn that he was unable to read, therefore he could not, with propriety at this time, read a prepared statement. Who, may I ask, was unwilling that this negro should go on the stand and make a statement? Since he has been in the county jail no opportunity has been afforded for the rehearing and fixing of a tale. What might he have said on the stand? How consistent would it have been with the story which he told against my husband? The time since that trial might have effaced some of this memorized stuff, and some inkling of the real truth might have shown through by inconsistent and contradictory statement.

Was it merely because the slight expense might have been saved the state that this unusual thing was arranged by counsel? A fair public will some time determine them correctly.

The testimony of Dr. Harris during the trial of my husband was insisted upon and upheld as that of a great expert. His ability to tell the condition of the stomach's contents by virtue of science was claimed unfailing, and I am assured that in the mind of the public the testimony given by Dr. Harris on the trial was convincing. And yet the testimony connecting my husband with the crime, and which must, of necessity, have shown the crime to have occurred on the second floor, was based almost entirely, leaving out the story of Conley, on the proposition that the girl's hair was found on the floor. This same Dr. Harris, expert microscopist, declared to the solicitor in advance that the hair taken from the lathe on this floor was not that of the dead girl.

"STATEMENT CONCEALED."

And yet, during the trial of the case, with this knowledge derived from this leading expert, the solicitor was content to take the testimony of one witness who said the hair "was like the girl's" and argued to the jury that this was absolutely the hair, and concealed Dr. Harris' statement to him. Was this fair? Does this conduct appeal to the public as one that should merit approbation? In the trial of Conley the only witness called was the undertaker, and his sole testimony was in reference to the character of the hair found, and the explanation given that the use of tar soap would have changed the texture, color and shape. Perhaps! Perhaps!

Why was it necessary in the trial of Conley, where both Conley and the solicitor, as part of the record, admitted the guilt of my husband, to call Gheesling? Did the solicitor need a message to the public? Was it necessary that he satisfy his conscience to this extent? Why the display on this trial of the venom and animosity toward my husband? To the full extent of his power, he had done him to death. Why, then, on a trial where everything was admitted by agreement, was it necessary to denounce, again and again, my absent husband, the victim of circumstances worked up and shaped by those so unalterably

antagonistic to him, while trying the only party who has admitted a connection with or knowledge of the crime?

I am sure that time will clearly show the truth, and that this horrible nightmare, for such it seems to me, will pass away, and that a vile conspiracy will ultimately lay itself bare to condemn and destroy those responsible.

I quote the language of the court of appeals of New York in grant a new trial to Becker, which I feel sure many will think applicable to that of my husband:

“His counsel was hampered and embarrassed; his case was discredited and weakened; full and impartial consideration by the jury was impeded and prevented. He never had a fair chance to defend his life, and it would be a lasting reproach to the state if, under those circumstances, it should exact its forfeiture.”

MRS. LEO M. FRANK.

TO ASK LIFE SENTENCE.

When Leo M. Frank is brought into court next week to be resentenced for the court next week to be resentenced for the murder of Mary Phagan, his attorneys will ask that the extreme penalty be not imposed, according to a well-defined rumor.

The request that a life, rather than a death sentence, be imposed, will be made of Judge Ben H. Hill on the ground that the case against Frank is built alone on circumstantial evidence it is said.

If a life sentence is imposed, the plea will be made that if the statute later finds that a mistake has been made the mistake can in a measure be rectified.

Any effort to get Judge hill to impose any but the death sentence will be vigorously opposed by Solicitor General Hugh M. Dorsey. IN argument against a life sentence, the solicitor general will pin his hopes on the famous Baughn case in the 100th

Georgia, arguing that Judge Roan originally had the right to impose a life sentence, but the same right does not lie with the judge, who must resentence Frank.

The supreme court in the Baughn case, where a man named Baughn, sought to save the life of Catherine Nobles, a convict, said:

RULING OF COURT.

“A person convicted of a capital offense is never sentenced under the law of this state but one time. The sentence is the conclusion of the record, and once it is entered the record is complete. It may be that the time fixed in the sentence expires, but the sentence stands in full force.”

“Therefore, the life Elizabeth Nobles was absolutely forfeited by the verdict and the judgement which was rendered in July, 1895, and it if the execution ever takes place, it will be by virtue of this sentence, though at a different time from that originally named. What is commonly referred to as a resentence is only the fixing of a new time for the execution of a sentence.”

The remittitur in the Frank case will reach the superior court from the supreme court Friday or Saturday. Next week, probably during the early part of the week, probably during the early part of the week, Solicitor Dorsey will bring Frank into court on a habeas corpus to be resentenced. It is then that the effort will probably be made to prevent the imposition of the extreme penalty.

Chief of Detectives Newport Lanford declares that in his opinion Nina Formby has never repudiated her affidavit made in the Frank case, and that she is not even in New York City, where she is said to have made statements to New York papers.

Chief Lanford says that Harry Latham, who recently left here supposedly for New Orleans, actually went to New York, and that he is responsible for the statements made to the New York newspapers in the name of Nina Formby.

Following Chief Lanford’s statement, a well-known young attorney states to The Journal that he had a telephone message from Latham from Birmingham Thursday night.

Latham, according to the attorney, phone him in regard to an Atlanta negro who is held in jail in Birmingham. The attorney knows Latham and recognized his voice over the phone, he says.

PDF PAGE 1, COLUMN 6

ALEXANDER’S PAMPHLET DEFENDS LEO M. FRANK

Attorney Says White Man Did Not Dictate Notes Found

By Girl’s Body

Henry A. Alexander, attorney-at-law in Atlanta, has published and is circulating a pamphlet based on the notes, found beside the dead body of Mary Phagan in the National Pencil factory last April in which he argues that the notes were not dictated by a white man. James Conley, formerly a sweeper employed in the pencil factory, has admitted he wrote the notes but has stated they were written at the dictation of Leo M. Frank, who has been convicted of the murder and is now in the Tower under sentence of death. Mr. Alexander’s theory controverts flatly the story of Conley.

In the pamphlet Mr. Alexander prints a signed statement, reproduced by photo-engraving both of the notes and a third which Conley himself wrote after admitting he could write and did the notes; prints the uncorrected version of each note, and then prints a corrected interpretation by himself of each—“for the first time, what are believed to be correct and complete readings,” says Mr. Alexander in his statement.

“The two notes are obviously the most important piece of evidence in the case, and a careful study of them is indispensable in reaching a correct conclusion,” says Mr. Alexander.

FEW HAVE SEEN NOTES.

“There are probably not a hundred people who have ever seen these notes. The general public, whose opinion has so tremendous an influence, has, therefore, reached its conclusions practically without an opportunity of considering the most vital piece of evidence in the case.”

“Speaking for himself, the undersigned must say that, after a close study of these notes, he has been unable to detect anything indicating that they were dictated by a white man, or any trace of a white man in them.”

Mr. Alexander’s interpretation of the first note is as follows: “Mama: That negro hired down here did this. He pushed me down that hole, a long tall negro, black, that who it was, long slim tall negro.” Mr. Alexander interprets one phrase in the note as an explanation intended by the criminal to meet the question of how the notes could have been written by a mortally injured person under the eyes of the assailant.

Mr. Alexander’s interpretation of the second note is as follows: “He said he would play like the night Witch did it, but that long tall black negro did it himself.” Mr. Alexander disputes the popular theory that by “night witch” the writer meant to imply “night watchman,” contending instead that exactly “night witch” was intended, and that by this evidence the writer revealed the superstitious mind of a negro.